

IN THE DRAWINGS

Eight sheets of formalized replacement drawings are supplied herewith.

REMARKS

This responds to the Office Action mailed on April 19, 2007.

Claims 1, 14, 18, 20, 22, 23, 27, and 28 are amended, claims 15 and 21 are canceled, and no claims are added; as a result, claims 1, 5, 6, 9-11, 14, 18-20, 22, 23, and 27-29 are now pending in this application.

35 USC §112 Rejection of the Claims

Claim 15 was rejected under 35 USC § 112, first paragraph. The Office Action alleges that the specification, while being enabling for providing power from the battery if the fuel cell stack is not ready and the battery is ready, does not reasonably provide enablement for providing power from the battery after the load device is signaled to reduce a load. Applicants traverse this rejection on two grounds: claim 15 does not require providing power from the battery after the load device is signaled to reduce a load; and in the alternative, the specification does provide an enabling disclosure for providing power from the battery after the load device is signaled to reduce a load.

Claim 15 does not require providing power from the battery after the load device is signaled to reduce a load.

Claim 15 depends on claim 14, which recites signaling a load device to reduce a load *if* neither the fuel cell nor the battery is ready to source power. Claim 15 then recites providing power from the battery *if* the fuel cell is not ready to source power and the battery is ready to source power. If the method of claim 15 is performed when the fuel cell is not ready and the battery is ready, then power will be provided from the battery without first signaling the load device to reduce a load. Accordingly, applicants submit that claim 15 does not require providing power from the battery after the load device is signaled to reduce a load.

The specification provides an enabling disclosure for providing power from the battery after the load device is signaled to reduce a load.

The flowchart in Figure 4 can be traversed in the following order: 410, 420, 440, 450, 460, 440, 450, 480. In this ordering of the actions in method 400, neither the fuel cell nor battery are ready and the load is reduced at 460. On the next time through the loop to check the power sources, the fuel cell is still not ready but the battery has become ready. In this example, power

from the battery is provided after the load device is signaled to reduce a load. Accordingly, applicants respectfully submit that the specification provides an enabling disclosure therefor.

Claim 15 has been canceled, and the subject matter of claim 15 has been incorporated in independent claim 14.

Claims 14, 15, 18, 19 and 27-29 were rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claim 14 has been amended to include the limitation of “checking if a fuel cell is on”. This is described in the specification with reference to block 420 in Figure 4. Applicants believe this claim amendment has overcome this rejection with respect to claims 14, 18, and 19.

Claims 27 and 28 have been amended to depend on claim 23. Applicants believe these claim amendments have overcome this rejection with respect to claims 27-29.

35 USC §102 Rejection of the Claims

Claims 1, 5 and 6 were rejected under 35 USC § 102(b) as being anticipated by Keskula et al. (U.S. Patent No. 6,406,806 B1). Claim 1 has been amended and applicants believe this rejection has been overcome as a result. In particular, claim 1 has been amended to clearly recite the power multiplexer selects one of the fuel cell or battery.

The Examiner points out that Keskula, in two interpretations, operates solely on a battery, and in a third interpretation operates with both the fuel cell and battery in tandem. The Examiner then points out that the claim language “either the fuel cell or battery” does not preclude the combined operation of both the battery and the fuel cell.

Claim 1 has been amended to recite the power multiplexer “coupled to provide power through the power delivery interface from only one of the fuel cell or the battery at a time”. Applicants respectfully submit that Keskula does not disclose, teach, or suggest this limitation, and believe that this rejection has been overcome as a result. Claims 5 and 6 depend on claim 1 and are believed to be in condition for allowance at least by virtue of dependency.

Claim 23 was rejected under 35 USC § 102(b) as being anticipated by Keskula et al. (U.S. Patent No. 6,406,806 B1). Claim 23 has been amended similarly to claim 1. Applicants believe this rejection has been overcome for the same reasons that the rejection of claim 1 has been overcome.

Claims 20 and 21 were rejected under 35 USC § 102(e) as being anticipated by Colborn et al. (U.S. Patent No. 6,787,259 B2). Claim 21 has been canceled. Claim 20 has been amended to recite a computer-readable medium, to include the limitations of claim 21, and to make clear that providing power from the battery involves setting a power multiplexer capable of providing power from one of the fuel cell and battery at a time. Applicants respectfully submit that the method limitations properly limit a computer-readable medium claim. The method limitations are similar to the method limitations of claim 14 as amended, and applicants believe claim 20 is in condition for allowance for the same reasons as claim 14 (see below).

35 USC §103 Rejection of the Claims

Claim 14 was rejected under 35 USC § 103(a) as being unpatentable over Keskula et al. (U.S. Patent No. 6,406,806 B1). In the discussion of the rejection, the Examiner agrees that the battery is “always connected.” Claim 14 has been amended to include the limitations of claim 15 and to make clear that providing power from the battery involves setting a power multiplexer capable of providing power from one of the fuel cell and battery at a time. This is in contrast to the “always connected” configuration of Keskula. Applicants believe that the rejection of claim 14 has been overcome by amendment and that claim 14 is in condition for allowance.

Claims 9, 10 and 11 were rejected under 35 USC § 103(a) as being unpatentable over Keskula et al. (U.S. Patent No. 6,406,806 B1). Claims 9-11 depend on claim 1 and are believed to be in condition for allowance at least by virtue of dependency.

Claim 22 was rejected under 35 USC § 103(a) as being unpatentable over Colborn et al. (U.S. Patent No. 6,787,259 B2). Claim 22 is believed to be in condition for allowance at least by virtue of dependency.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (952-473-8800) to facilitate prosecution of this application.

Respectfully submitted,

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By their Representatives,

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Date 6/19/07

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: **Mail Stop RCE**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 19 day of June, 2007.

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